

1731

Docket No. 4505-4016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dyakonov et al.

Group Art Unit: 1731

Serial No.: 09/723,585

Examiner: Carlos N. Lopez

Filed: November 28, 2000

For: A SMOKING ARTICLE INCLUDING A SELECTIVE CARBON MONOXIDE PUMP

CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached:

1. Response to Notice of Non-Compliant Amendment (12 pages)
2. Return Receipt Postcard
- 3.

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

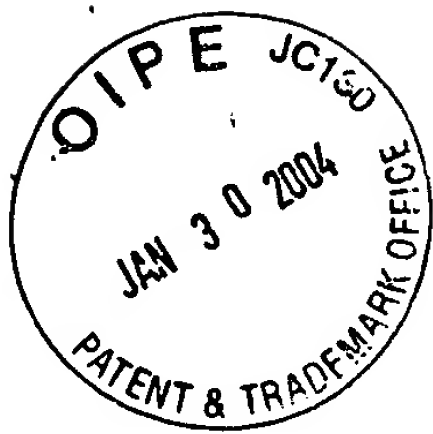
Dated: January 26, 2004

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**RESPONSE TO NOTICE OF
NON-COMPLIANT AMENDMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is being filed in response to the Notice of Non-Compliant Amendment issued by the USPTO on January 8, 2004. The Amendment filed December 23, 2003 was deemed non-compliant because each of the claims did not have the proper status identifier. Specifically, the Amendment should reflect that claims 4-21 are cancelled, not withdrawn. Applicants hereby re-submit the entire "Amendments to the Claims" section of the December 23, 2003 Amendment and Response.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.